

SUBDIVISION CONDITIONS
APPLICATION NO.: PL-2021-046
1255 PEAR AVENUE

1. **PHASED FINAL MAPS (OR PARCEL MAPS):** Multiple final maps or parcel maps may be filed prior to the expiration of the tentative map. The subdivision conditions of approval shall be satisfied prior to approval and recordation of that map phase per the "Phasing Exhibit Phase 1 and Phase 2" exhibit.
2. **MAP SUBMITTAL:** File a final map for approval and recordation in accordance with the City Code and the California Subdivision Map Act prior to the issuance of any building permit for the property within the subdivision. All existing and proposed easements are to be shown on the map. Submit two black-line copies of the map to the Public Works Department for review together with all items on the Map Checklist concurrent with the Off-Site Improvement Plans.
3. **MAP DOCUMENTS:** Submit a subdivision guarantee, County Tax Collector's letter regarding unpaid taxes or assessments, and subdivision security if there are unpaid taxes or special assessments prior to the approval and recordation of the map.
4. **SOILS REPORT:** Soils and geotechnical reports prepared for the subdivision shall be indicated on the final map. Submit a copy of the report with the final map.
 - a. As required by the State Seismic Hazards Mapping Act, a project site-specific geotechnical investigation shall be conducted by a registered soils/geologist identifying any seismic hazards and recommending mitigation measures to be taken by the project. The applicant, through its registered soils engineer/geologist, shall certify the project complies with the requirements of the State Seismic Hazards Mapping Act. Indicate the location (page number) within the geotechnical report of where this certification is located or provide a separate letter stating such.
5. **FINAL MAP APPROVAL:** The final map shall be signed and notarized by the owner and engineer/surveyor and submitted to the Public Works Department with an 8.5"x11" reduction of the map. In order to place the approval of the final map on the agenda for the City Council, all related materials and agreements must be completed, signed, and received by the Public Works Department 40 calendar days prior to the Council meeting. After City Council approval, the City will sign the map and provide a Xerox Mylar copy. The applicant's title company shall have the County Recorder's Office record the original and endorse the Xerox Mylar copy. The endorsed Xerox Mylar copy and PDF shall be returned to the Public Works Department within one week after recording the map.
6. **MAP PLAN CHECK FEE:** Prior to issuance of any building permits and prior to approval of the final map as applicable, the applicant shall pay the map plan check fee in accordance with Sections 28.27.b and 28.19.b of the City Code per the rates in effect at time of payment.

An initial map plan check fee based on the Public Works fee schedule shall be paid at the time of initial map plan check submittal.
7. **SUBDIVISION FEES:** Pay all subdivision fees due in accordance with the rates in effect at the time of payment prior to the approval of the final map.
8. **PARK LAND DEDICATION FEE:** Prior to issuance of any building permits and prior to approval of the final map as applicable, the applicant shall pay the Park Land Dedication Fee for each new residential unit in accordance with Chapter 41 of the City Code in effect at the time of the issuance of the building permit.

9. **WATER AND SEWER CAPACITY CHARGES:** The water and sewer capacity charges for residential connections are based on the number and type of dwelling units. There are separate charges for different types of residential categories so that the capacity charges reasonably reflect the estimated demand of each type of connection. The water and sewer capacity charges for nonresidential connections are based on the water meter size, and the building area and building use, respectively. Credit is given for the demand of the improvements that previously existed on the site. Fees need to be paid per the Public Works Fee Schedule prior to issuance of any building permits and prior to Public Works approving the final map.
10. **STREET DEDICATION (INIGO WAY EXTENSION):** Dedicate a 78' wide public street easement between Pear Avenue and Space Park Way as required by the Public Works Director, on the face of the map, to accommodate dual vehicular lanes, separated bicycle lanes, landscaping areas, sidewalk areas, and bioretention facilities for the Inigo Way Extension as identified within the North Bayshore Precise Plan.
11. **STREET DEDICATION (PEAR AVENUE):** Dedicate a public street easement as identified in each phase of the "Phasing Exhibit Phase 1 and Phase 2" as required by the Public Works Director, on the face of the map, to widen Pear Avenue to a uniform right-of-way width of 78' (39' half-street requirement) per the North Bayshore Precise Plan.
12. **STREET DEDICATION (INIGO WAY):** Dedicate a public street easement, as required by the Public Works Director, on the face of the map to widen Inigo Way to a full uniform right-of-way width of 78' (39' half-street requirement) per the North Bayshore Precise Plan.
13. **STREET DEDICATION (LA AVENIDA):** Dedicate a public street easement, as required by the Public Works Director, on the face of the map to widen La Avenida to a full uniform right-of-way width of 74' (37' half-street requirement) per the North Bayshore Precise Plan.
14. **STREET DEDICATION (SPACE PARK WAY):** Dedicate a public street easement, as required by the Public Works Director, on the face of the map to widen Space Park Way to a full uniform right-of-way width of 78' (39' half-street requirement) per the North Bayshore Precise Plan.
15. **STREET CORNER DEDICATION (PEAR AVENUE/INIGO WAY EXTENSION):** Dedicate two (2) public street corner return easements, as required by the Public Works Director, on the face of the map, at Pear Avenue and Inigo Way Extension.
16. **STREET CORNER DEDICATION (SPACE PARK WAY/INIGO WAY EXTENSION):** Dedicate a public street corner return easement as identified in each phase of the "Phasing Exhibit Phase 1 and Phase 2" as required by the Public Works Director, on the face of the map, at the Space Park Way and Inigo Way corner intersection.
17. **STREET CORNER DEDICATION (PEAR AVENUE/INIGO WAY):** Dedicate a public street corner return easement as identified in each phase of the "Phasing Exhibit Phase 1 and Phase 2" as required by the Public Works Director, on the face of the map, at the Pear Avenue and Inigo Way southeast corner intersection.
18. **PUBLIC ACCESS EASEMENT, COVENANTS, AND DEED RESTRICTIONS (CONNECTIONS THROUGH SITES- EASTERN EDGE OF PARCELS 1 AND 4):** Prior to issuance of any building permits or approval of a Final Map, Owner shall dedicate a minimum 26' wide public access easement, covenants, agreements, and deed restrictions (PAE) on private property along the eastern portion of this as identified in each phase of the "Phasing Exhibit Phase 1 and Phase 2" and as identified within the North Bayshore Precise Plan. The dedication shall indicate that:
 - a. Public access shall be granted for nonautomotive use;
 - b. Owner shall maintain, inspect, and monitor the PAE improvements in good order, condition, and repair and in compliance with the Americans with Disabilities Act (ADA);

- c. The PAE shall run with the land and be binding upon any successors; and
- d. If the Owner shall fail to abide by PAE, the Owner agrees to pay all reasonable costs and expenses incurred by the City in enforcing the performance of such obligations.
- e. Owner agrees to defend, and hold the City and the City's officers, employees, agents, and volunteers harmless from any liability for damage or claims for damage for personal injury, including, but not limited to, death and/or property damage caused by negligent acts, errors, or omissions in performance of services or operations under the Dedication, including maintenance operations performed on the PAE by the Owner or the Owner's contractors, subcontractors, agents, or employees.

A legal description and plat of the Owner's property and the PAE area shall be prepared by the Owner in accordance with the City's Legal Description and Plat Requirements and submitted to the City for review.

Associated improvements within the PAE (PAE Improvements) shall be constructed by the Owner and approved by the City.

19. **PUBLIC ACCESS EASEMENT, COVENANTS, AND DEED RESTRICTIONS (CONNECTIONS THROUGH SITES – WESTERN EDGE OF PARCEL 5):** Prior to issuance of any building permits or approval of a Final Map, the owner shall dedicate a 19' wide public access easement, covenants, agreements, and deed restrictions (PAE) on private property along the eastern portion of this development as identified within the North Bayshore Precise Plan. The dedication shall indicate that:

- a. Public access shall be granted for nonautomotive use;
- b. The Owner shall maintain, inspect, and monitor the PAE improvements in good order, condition, and repair and in compliance with the Americans with Disabilities Act (ADA);
- c. The PAE shall run with the land and be binding upon any successors;
- d. If the Owner shall fail to abide by the PAE, the Owner agrees to pay all reasonable costs and expenses incurred by the City in enforcing the performance of such obligations; and
- e. The Owner agrees to defend, and hold the City and the City's officers, employees, agents, and volunteers harmless from any liability for damage or claims for damage for personal injury, including, but not limited to, death and/or property damage caused by negligent acts, errors, or omissions in performance of services or operations under the Dedication, including maintenance operations performed on the PAE by the Owner or the Owner's contractors, subcontractors, agents, or employees.

A legal description and plat of the Owner's property and the PAE area shall be prepared by the Owner in accordance with the City's Legal Description and Plat Requirements and submitted to the City for review.

Associated improvements within the PAE (PAE Improvements) shall be constructed by the Owner and approved by the City.

20. **EASEMENT VACATIONS AND QUITCLAIMS:** All existing easements that are or will no longer be needed or conflict with the proposed buildings and structures as identified in each phase of the "Phasing Exhibit Phase 1 and Phase 2" shall be vacated by the City or quitclaimed.

The following easements shall be vacated from this property for this proposed development:

Vacations:

- 1.5' Sidewalk Easement (867 M42-44)
- 2.5' Sidewalk Easement (867 M 42-44)
- Sidewalk Easement "1" (867 M 42-44)
- Sidewalk Easement "2" (867 M 42-44)
- 10' Public Service Easement (536 M 2)
- 10' Public Service Easement (552 M 44)

Quitclaims:

- 10' PG&E and PT&T Easement (7310 OR 477, 8518 OR 467)
- 5' PG&E and PT&T Easement (0163 OR 482, 7451 OR 80)
- 3' PG&E and PT&T Easement (0163 OR 482)
- 10' Private Utility Easement (4654 OR 382, 4681 OR 366, 4654 OR 382)
- 10' Ingress and Egress Easement (7393 OR 656)

All vacations and quitclaims shall be recorded prior to the issuance of the building permit for all easements located beneath the proposed building construction.

21. **PUBLIC WATER METER EASEMENTS:** Dedicate two (2) 15' by 6' public water meter easements along the La Avenida project frontage and one (1) 15' by 6' public water meter easement along the Space Park Way project frontage as identified on Sheet C400 of the planning application.
22. **PUBLIC SIDEWALK EASEMENT:** Dedicate a public sidewalk easement at the southeast corner of the Pear Avenue and Inigo Way intersection as identified on Sheet TM-2 of the planning application.
23. **UTILITY EASEMENT AND APPROVALS:** Dedicate utility easements as required by the utility companies and as approved by the Public Works Director. All street and public service easement dedications are to be shown on the final map. The subdivider shall submit two copies of the map to PG&E, AT&T (SBC), and Comcast for their review and determination of easement needs. The public service easement dedications must be approved by the utility companies prior to the approval of the final map.
24. **CC&Rs:** Covenants, Conditions, and Restrictions (CC&Rs) for the owners, together with a completed CC&R checklist, shall be submitted to and approved by the City Attorney's Office and the Community Development Department prior to approval and recordation of the map. The said covenants shall include and stipulate all of the standard provisions which are shown on the attached sheet. The checklist and proposed CC&Rs shall be annotated to show exactly where each of the standard provisions have been incorporated into the CC&Rs.
25. **CC&Rs, PARKING PROHIBITION:** All parking prohibitions shall be stated within the Covenants, Conditions, and Restrictions (CC&Rs). Submit a copy of the CC&Rs with this provision highlighted to the Public Works Department for review and approval. The common driveway shall be signed and/or striped as "No Parking" or "No Parking – Fire Lane."
26. **CC&Rs, SPECIAL PAVEMENT MAINTENANCE:** The owners shall be responsible for replacing any special pavers or textured/colored concrete that is removed by the City to repair, replace, or maintain any City underground utilities located within private streets, driveways, Pear Avenue Extension Plaza, or easement areas. This requirement shall be stated in the Covenants, Conditions, and Restrictions (CC&Rs). A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Public Works Department for review and approval.
27. **CC&Rs, GARBAGE PICKUP:** The Covenants, Conditions, and Restrictions (CC&Rs) shall include a provision stating that the homeowners are responsible for bringing their garbage cans, taters, and recycling containers to the

curb along the public street on garbage collection days. An exhibit indicating the location of the bins on pick-up day shall be included. A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Public Works Department for review and approval.

28. **CC&Rs, PRIVATE UTILITY MAINTENANCE PLAN, AND SANITARY SEWER OVERFLOW PLAN:** The Covenants, Conditions, and Restrictions (CC&Rs) shall include a provision that the owners prepare a private utility maintenance plan for on-site water, sanitary sewer, and storm drainage facilities. The maintenance plan shall include such elements as flushing of the sanitary sewer and storm lines, cleaning of storm drain inlets and grates, and inspection of the water system (including flushing and exercising of valves and blowoffs). The CC&Rs shall also include a provision that the owners prepare a sanitary sewer overflow plan, which includes elements such as 24-hour contact information, response times, confinement, and methods to contain and remediate spills.
29. **PUBLIC IMPROVEMENTS:** Install or reconstruct standard public improvements that are required for the subdivision along the Inigo Way extension and the existing La Avenida, Inigo Way, Pear Avenue, and Space Park Way frontages per the North Bayshore Precise Plan and as required by Chapters 27 and 28 of the City Code. These improvements include, but are not limited to, new full-street construction (Inigo Way extension); curbs, gutters, driveways, curb ramps, and sidewalks; AC pavement overlay improvements; streetlights and appurtenances; fire hydrants; utility mains, services, laterals, meters, and appurtenances; street trees; streetlights and appurtenances; bioretention facilities; striping, signage, markings, and crosswalks.
- a. **IMPROVEMENT AGREEMENT:** The property owner must sign a Public Works Department improvement agreement for the installation of the public improvements prior to issuance of any building permits and prior to the approval of the final map. Sign a Public Works Department faithful performance bond (100 percent) and materials/labor bond (100 percent) or provide a letter of credit (150 percent) or cash security (100 percent) securing the installation and warranty of the off-site and on-site common improvements in a form approved by the City Attorney's Office. The surety (bond company) must be listed as an acceptable surety on the most current Department of the Treasury's Listing of Approved Sureties on Federal Bonds, Department Circular 570. This list of approved sureties is available through the Internet at: www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570_a-z.htm. The bond amount must be below the underwriting limitation amount listed on the Department of the Treasury's Listing of Approved Sureties. The surety must be licensed to do business in California. Guidelines for security are available at the Public Works Department. Any changes to the standard agreement will require an additional one- to three-week processing time with the City Attorney's Office.
- b. **INSURANCE:** Provide a certificate of insurance and endorsement naming the City an additional insured from the entity that will sign the improvement agreement prior to issuance of any building permits and prior to the approval of the final map. The insurance coverage amounts are a minimum of Two Million Dollars (\$2,000,000) Commercial General Liability, Automobile Liability, and Workers' Compensation. The insurance requirements are available from the Public Works Department.
30. **OFF-SITE IMPROVEMENT PLANS:** Prepare off-site public improvement plans in accordance with Chapter 28 of the City Code, the City's Standard Design Criteria, Submittal Checklist, Plan Review Checklist, and the conditions of approval of the project. The plans are to be drawn on 24"x36" sheets at a minimum scale of 1" = 20'. The plans shall be stamped by a registered civil engineer and shall show all public improvements and other applicable work within the public right-of-way. A traffic control plan indicating, but not limited to, the work areas, delineators, signs, and other traffic control measures is required for work that impacts traffic on an existing street. Improvement plans (10 sets), an initial plan check fee and map plan check fee based on the Public Works fee schedule, Improvement Plan Checklist, and items noted within the checklist must be submitted together as a separate package concurrent with the first submittal of the building plans. The improvement plans must be approved and signed by the Public Works Department. After the plans have been signed by the Public Works Department, 10 black-line sets, 1 Xerox Mylar (4 mil) set of the plans, and CD with CAD file and PDF must be submitted to the Public Works Department prior to

issuance of any building permits and prior to the approval of the final map. CAD files shall meet the City's Digital Data Submission Standards.

31. **INFRASTRUCTURE QUANTITIES:** Submit a completed construction cost estimate form indicating the quantities of the improvements with the submittal of the improvement plans. The construction cost estimate is used to estimate the cost of improvements and to determine the Public Works plan check and inspection fees. The construction cost estimate is to be prepared by the civil engineer preparing the improvement plans and stamped and signed.
32. **UNDERGROUNDING OF OVERHEAD SERVICES:** All new and existing electric, telephone, and cable television services serving the subdivision are to be placed underground (including transformers). The undergrounding of the new and existing electric, telephone, and cable television services are to be completed prior to issuance of a Certificate of Occupancy for any new buildings within the subdivision.
33. **JOINT UTILITY PLANS:** Submit joint utility plans showing the location of the proposed electric, gas, telephone, and cable television conduits and vaults. These plans shall be combined with and made part of the improvement plans. Dedicate public utility easements that are necessary for the common utility on the final map.
34. **UNDERGROUNDING OF OVERHEAD STREET FRONTAGE LINES:** Underground existing overhead telephone, electric, and cable television facilities fronting the property along eastern edge of Parcel 4. The undergrounding work shall be constructed in conjunction with any applicable off-site improvements and completed prior to issuance of a Certificate of Occupancy for any new unit. All poles fronting the property are to be removed. Prior to approval of the final map, subdivider shall sign an underground utility agreement and provide a performance bond or other suitable guarantee securing performance of the work in the estimated amount of the cost of underground work until such time as prepaid or secured contracts are entered into by the subdivider with PG&E, AT&T (SBC), and Comcast that provides for all of the required underground work.
35. **UTILITY MAINTENANCE:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained.
36. **STORM DRAIN HOLD HARMLESS AGREEMENT:** Prior to the approval of the final map, sign a storm drain hold harmless agreement if there are any proposed on-site storm inlets with grates below the elevation of street curb to be connected to the City's storm drain system.
37. **SANITARY SEWER HOLD HARMLESS AGREEMENT:** Prior to the approval of the final map, if the sanitary sewer connection(s) inside the structure(s) is/are less than 1' above the rim elevation of the upstream sanitary sewer manhole, the owner shall sign an agreement to hold the City harmless against sewer surcharges or blockages that result in on-site damage.
38. **RETAINING WALL:** Retaining walls shall have a maximum height of 18", unless an exception is granted by the Community Development and Public Works Departments. Retaining walls along the perimeter of the subdivision shall be maintained by the owners. The maintenance of the retaining walls shall be included in the Covenants, Conditions, and Restrictions (CC&Rs).
39. **SURFACE DRAINAGE RELEASE:** Provide a surface stormwater release for the lots, driveways, alleys, and private streets that prevents the residential buildings from being flooded in the event the storm drainage system becomes blocked or obstructed.
40. **SURFACE DRAINAGE:** Each residential lot shall be designed to drain toward the streets, alleys, common driveways, or common areas. The drainage paths for the privately owned lots shall be designed such that the drainage paths do not cross the common property lines unless an exception is approved by the Public Works Department due to unavoidable circumstances (such as to provide drainage to an existing Heritage tree).

41. **CONSISTENCY WITH OTHER APPROVALS:** This map shall be consistent with all requirements of the Planned Community Permit, Application No. PL-2017-380. All conditions of approval imposed under that application shall remain in full force and effect and shall be met prior to approval of the final map.
42. **APPROVAL EXPIRATION:** If the map is not completed by October 23, 2021, then this map shall expire. Upon application of the subdivider, an extension of time not to exceed an additional twelve (12) months may be granted by the Subdivision Committee. Prior to the expiration of an approved or conditionally approved tentative map, upon the application by the subdivider to extend that map, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

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